

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

United States of America
v.

YADIRA SANTIESTEBAN

Defendant(s)

Case No. 12-2789-White

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 28, 2009 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

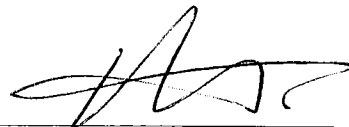
Code Section
18 U.S.C. 1203(a)(1)(5)
18 U.S.C. 2

Offense Description
Kidnapping resulting in a death
Aiding and abetting.

This criminal complaint is based on these facts:

Please refer to the attached Affidavit in Support of Complaint and Arrest Warrant.

☒ Continued on the attached sheet.



Complainant's signature

Special Agent Michael Gualtieri

Printed name and title

Sworn to before me and signed in my presence.

Date: 6-1-12



Judge's signature

City and state: Miami, Florida

PATRICK A. WHITE, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A COMPLAINT AND ARREST WARRANT

I, your Affiant, Michael C. Gualtieri, Special Agent (SA), Federal Bureau of Investigation (FBI) Miami, Florida, having been duly sworn hereby depose and state;

1. This Affidavit is being submitted in support of a complaint and arrest warrant charging the following person with the offense of kidnapping resulting in a death, in violation of Title 18, United State Code, Section 1203(a)(1)(5) and aiding and abetting, in violation of Title 18, United States Code, Section 2. The individual for whom a complaint and arrest warrant is being sought is identified as follows: YADIRA SANTIESTEBAN, white Hispanic female, date of birth of February 27, 1975.

2. I am a federal law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 115(c)(1). I have been employed as a Special Agent with the FBI for approximately fifteen years. I am presently assigned to the Miami High Intensity Drug Trafficking Area Task Force (hereinafter HIDTA). My primary duties on the task force are to work joint investigations with other state and federal law enforcement agencies targeting narcotics dealers, traffickers, manufacturers and transporters.

3. The following information is based on the personal knowledge arising from my participation in this investigation and from information provided to me by other law enforcement officers. The information contained within this Affidavit is being provided for the sole purpose of establishing probable cause to support a complaint and arrest warrant for the arrest of YADIRA SANTIESTEBAN, for violations of federal law, specifically, kidnapping resulting in a death, in violation of Title 18, United States Code, Section 1203(a)(1)(5) and aiding and abetting, in violation of Title 18, United States Code, Section 2, and as such, this Affidavit does not contain all of the

information in the possession of your Affiant concerning this investigation.

Factual Background of the Criminal Acts

4. On June 28, 2009, Fidel Ruz Moreno who is further described as a white Hispanic male, date of birth of 02/14/1974, (hereinafter referred to as the victim) was accosted at a stop sign while driving in his Chevrolet van in southwest Miami-Dade County. The victim was taken by force and violence from behind the driver's wheel of his own vehicle by co-conspirators Derrick Santiesteban, Norge Manduley and Juan Felipe Castañeda. The victim Fidel Ruz Moreno was then detained at gun point by Norge Manduley in the rear of the victim's Chevrolet van while another co-conspirator drove the victim's vehicle away from the abduction scene. Defendant Gilberto Santiesteban Jr. was nearby in a vehicle and assisted in the surveillance of the victim prior to and after the kidnapping of the victim. While the victim's vehicle was being driven away from the abduction scene with the victim inside, Norge Manduley shot the victim multiple times. Thereafter, the victim either jumped or was pushed out of the back of the moving van and fell onto the roadway. The van stopped and Norge Manduley got out of the van and continued to assault the victim causing his death. The victim's body was then left alongside the roadway in Southwest Miami-Dade County, in the Southern District of Florida. The victim was pronounced dead at the scene where his body was found.¹

5. After the death of the victim, the victim's Chevrolet van was taken by Juan Felipe

¹On February 28, 2012, the Honorable Magistrate Judge Edwin G. Torres issued an arrest warrant for Norge Manduley based on a complaint by your Affiant that charges him with kidnapping resulting in a death and aiding and abetting in violation of Title 18, United States Code, Section 1203(a)(1)(5) and Title 18, United States Code, Section 2.

On March 30, 2012, the Honorable Peter R. Palermo, U.S. Magistrate Judge for the Southern District of Florida issued arrest warrants based on a complaint by your Affiant charging defendants, Derrick Santiesteban, Gilberto Santiesteban Jr., and with kidnapping resulting in a death and aiding and abetting in violation of Title 18, United States Code, Section 1203(a)(1)(5) and Title 18, United States Code, Section 2.

Castaneda and Norge Manduley to a rural residential location controlled by Derrick Santiesteban where it was hidden for several days. On July 1, 2009, the victim's Chevrolet van was taken to a rural area near the Tamiami Airport in southwest Miami-Dade County, where Derrick Santiesteban and other co-conspirators set the vehicle on fire causing its total destruction.

Cooperating Co-Conspirator Defendants 1 and 2

6. In approximately mid-2010, two (2) cooperating co-conspirator defendants (hereinafter referred to as CD1 and CD2) were developed by Miami-Dade County Homicide Detectives who were investigating the car jacking, kidnapping and murder of the victim (Fidel Ruz Moreno). These two cooperating co-conspirators voluntarily agreed to meet with the detectives and be interviewed.

7. During separate non-custodial, voluntary interrogations with homicide detectives and your Affiant, CD1 and CD2, admitted to their involvement in the planning and the execution of the car jacking and abduction of the victim on June 28, 2009. After making the admissions orally, CD1 and CD2 then separately gave voluntary sworn statements under oath that were transcribed by a court stenographer concerning their knowledge and participation in the aforesaid offenses.

8. The transcribed and sworn statements given by CD1 and CD2 were made following the advice and waiver by them of their Constitutional Rights (Miranda Warnings) and were made without any promises of immunity. Neither cooperator was in custody during their statements and neither cooperator was present during the interrogation or the taking of the formal statement of the other. The pertinent information supplied by CD1 and CD 2 in their sworn statements is as follows:

Statement of Cooperating Co-Conspirator Defendant 1 (CD1)

9. On Wednesday, June 9, 2010, CD1 provided a voluntary, non-custodial, sworn

statement that was transcribed by a Court Reporter. In that statement, which has not been completely outlined here, CD1 provided the following information that is pertinent to the intent of this Affidavit.

10. CD1 has known Derrick Santiesteban for approximately three or four years preceding the date of the statement CD1 provided to homicide detectives in this case. During the early morning on what CD1 approximates to have been June 25, 2009, CD1 was accompanying Derrick Santiesteban and they had just left the home of Derrick Santiesteban enroute to pick-up a bag that was to be used to pack hydroponic marijuana that Derrick Santiesteban, CD1, CD2 and others were going to transport that day to the New York/New Jersey area where it was to be sold.

11. CD1 and Derrick Santiesteban learned that after they left the home, a group of men posing as law enforcement officers, perpetrated an armed robbery at the home of Derrick Santiesteban. The only thing of value taken during the robbery was approximately 30 to 40 pounds of hydroponic marijuana that was to be driven to the New York/New Jersey area that day. CD1 was a co-conspirator with Derrick Santiesteban in the business of growing and trafficking in marijuana.

12. YADIRA SANTIESTEBAN, who is the wife of Derrick Santiesteban, telephoned him and informed him of the robbery, Derrick and CD1 then immediately returned to Derrick's home. Derrick Santiesteban had a video home security surveillance system and Derrick retrieved the video recording that captured the arrival and departure of the robbers. Derrick Santiesteban, CD1 and others viewed the surveillance video and it showed four individuals in two vehicles arrive at the residence. The males then got out of their vehicles and perpetrated the robbery. CD1 stated that at some point Derrick Santiesteban became aware of the identity of one of the robbers and Derrick Santiesteban told CD1 that the robber's name was "Fidel" (the victim).

13. Several days later Derrick Santiesteban told CD1 that he learned where the victim

lived. On Sunday, June 28, 2009, Derrick Santiesteban asked CD1 to go with him to see if the victim was at home. CD1 joined Derrick Santiesteban and they went to a residence in southwest Miami-Dade County where they saw the victim standing out in front of his home. CD1 went to the residence of the victim on two or three occasions during the day of June 28, 2009. YADIRA SANTIESTEBAN personally participated in the surveillance of the victim in the morning hours of June 28, 2009. While YADIRA SANTIESTEBAN was conducting surveillance of the victim in the morning, CD2 stayed with the children of YADIRA SANTIESTEBAN performing babysitting duties. YADIRA SANTIESTEBAN drove a Mini-Cooper automobile during the time period that she participated in the surveillance of the victim and his residence.

14. CD1 stated that his understanding of the intent of the plan that was formulated by Derrick Santiesteban, was to kidnap the victim and to detain, intimidate and basically beat-up the victim until the marijuana that was stolen in the home invasion robbery was returned to Derrick Santiesteban. CD1 states that Derrick Santiesteban stated that he just wanted to intimidate the victim until the victim told Derrick Santiesteban where his marijuana was hidden, and if necessary, Derrick Santiesteban would slap the victim, punch him or whatever it took to compel the victim to talk.

15. On the second visit past the home of the victim, Derrick Santiesteban drove in his car and CD1 accompanied CD2 in a separate car. After passing by the victim's home a second time, at the direction of Derrick Santiesteban, they met at a nearby Blockbuster Video Store. At the Blockbuster, they met up with additional people that Derrick Santiesteban had summoned.

16. After a short meeting, the group left the Blockbuster Video Store and went in separate vehicles back to the home of the victim to conduct surveillance. There were three vehicles in the group. In the first vehicle, Derrick Santiesteban drove a SUV and he was accompanied by

“Noje”(Norge Manduley) and a man whom CD1 has identified as “Felipe.” CD1 has identified a photograph of Juan Felipe Castaneda as the person that was with Derrick on June 28, 2009, and whom CD1 knows as “Felipe”. CD1 stated that YADIRA SANTIESTEBAN and CD2 exchanged duties and YADIRA SANTIESTEBAN stayed at home with the children while CD2 joined the surveillance. CD1 and CD2 were riding together during this time period in the aforementioned Mini-Cooper automobile. The third vehicle, a pick-up truck, was driven by a additional co-conspirator who is identified as CH and CH was accompanied by Gilberto Santiesteban Jr., who is a brother to Derrick Santiesteban. They conducted surveillance of the victim and his residence as well. Communication among the parties throughout the surveillance was facilitated between the participants through the use of cellular telephones.

17. The vehicles drove to the home of the victim where CD1 and CD2 took up a position that enabled them to watch the residence. At some point thereafter, the victim left the residence operating a white Chevrolet work van. As the victim pulled away from his residence in the van, Gilberto Santiesteban Jr. and CH in the pick-up truck followed immediately behind the van driven by the victim. CD1 and CD2 followed the truck. Derrick Santiesteban was in his vehicle accompanied by “Noje” (hereinafter Norge Manduley) and “Felipe” (hereinafter Juan Felipe Castaneda) and Derrick circled the block in an effort to get in front of the victim’s Chevrolet van. The victim then abruptly stopped at a nearby residence, got out of the van and went inside the home.

18. A short time later, the victim came out of the home, got back into the van and drove away. CD1 and CD2 were parked across the street from the home where the victim stopped and the other vehicles were nearby. CD1 and CD2 communicated the departure of the victim through the use of a cellular telephone. When he left the home the victim was followed again. When the victim

came to a nearby stop sign, his van was cut-off and blocked at the stop sign in the front by the vehicle containing Derrick Santiesteban, Juan Felipe Castaneda and Norge Manduley.

19. CD1 and CD2 saw Derrick Santiesteban, Juan Felipe Castaneda and Norge Manduley approach the van. Derrick Santiesteban, Juan Felipe Castaneda and Norge Manduley, accosted and assaulted the victim and forcibly removed him from the driver's seat of the van and forced him to the rear cargo area of the van. CD1 saw that Norge Manduley in possession of a revolver while the assault and kidnaping was occurring.

20. After Derrick Santiesteban, Juan Felipe Castaneda and Norge Manduley forced the victim into the rear of the van, Norge Manduley got into the back of the van with the victim while Juan Felipe Castaneda got behind the wheel of the Chevrolet van and drove away from the abduction scene. The pick-up truck driven by CH who was accompanied by Gilberto Santiesteban Jr. followed immediately behind the van and CD1 and CD2 followed the pick-up truck. Derrick Santiesteban left to go ahead of the caravan and prepare a rural residential marijuana grow house for the arrival of the van and the victim. Derrick Santiesteban intended to detain and question the victim at that marijuana grow house until the stolen marijuana was returned.

21. After departing enroute to the marijuana grow house, the caravan was near the intersection of Quail Roost Drive and 133rd or 135th Avenue when the victim jumped or was pushed out of the back of the van. CD1 didn't see the victim jump, but CD1 realized what happened when he saw the victim lying on the roadway. The van then stopped and made a U-turn to come back to where the victim was lying.²

² CD1 and CD2 kept driving, but CD2 made some observations from the rearview mirror that are explained in the section of this Affidavit entitled "Statement of Cooperating Co-Conspirator Defendant 2 (CD2)" that appears later in the Affidavit.

22. CD1 believed that the victim had been shot and at some point learned he was dead. After witnessing the aforementioned events, CD1 and CD2 drove around for 30 to 45 minutes and then CD1 and CD2 went to the home of Derrick Santiesteban. During the time they were driving around, CD1 discarded a Glock semi-auto pistol that Derrick Santiesteban had given him earlier in the day into some bushes.

23. CS1 noted that the only people who got out of their vehicle during the surveillance, car jacking, and kidnapping of the victim were Derrick Santiesteban, Norge Manduley and Juan Felipe Castaneda. Gilberto Santiesteban Jr. remained inside the pick-up truck that blocked in the victim's van from the rear at the stop sign where the victim was kidnaped.

24. Following the murder of the victim, there were a series of meetings and stops at local businesses. At one such meeting, which occurred at a nearby Denny's Restaurant in southwest Miami-Dade County, there was a meeting between Derrick Santiesteban, Norge Manduley and Juan Felipe Castaneda. Following that meeting, Derrick Santiesteban told CD1, that Norge Manduley stated that he beat the victim to make sure the job was done because he ran out of bullets. Derrick Santiesteban told CD1 That he (Derrick) had possession of the murder weapon, but Norge Manduley insisted on keeping the gun because he (Norge Manduley) was the one who had done the killing so Manduley felt more comfortable if he kept the gun. CD1 did not see Derrick Santiesteban give a gun to Norge Manduley.

25. Thereafter Derrick Santiesteban, YADIRA SANTIESTEBAN and their children, Gilberto Santiesteban Jr., his paramour and their children, and CD1 and CD2 drove to Key West Florida where the Santiestebans' stayed with their mother. CD1 and CD2 stayed at a different

location with members of their family. A day or so later, Derrick Santiesteban and CD1 returned to Miami where Derrick and CD1, along with other co-conspirators, stripped the victim's van of the interior padding and liner and then took the van to a rural location near the Tamiami airport where it was set on fire and completely destroyed.

Statement of Cooperating Co-Conspirator Defendant 2 (CD2)

26. On Tuesday, June 15, 2010, CD2 provided a voluntary, non-custodial, sworn statement that was transcribed by a Court Reporter. In that statement, which has not been completely outlined here, CD2 provided the following information that is pertinent to the intent of this Affidavit. CD2 is related by blood to the Santiesteban family. CD2 has known co-conspirator Derrick Santiesteban and Gilberto Santiesteban Jr. their entire life. CD2 knows YADIRA SANTIESTEBAN as the wife of Derrick Santiesteban and the mother of their children. CD2 has known Juan Felipe Castañeda since he came to the United States from Cuba. CD2, who is now an adult, was approximately 11 to 13 years of age when Juan Felipe Castaneda arrived in the United States. CD2 knows Juan Felipe Castaneda to be related to the father of the Santiesteban brothers. CD2 admits to being a co-conspirator with Derrick Santiesteban, CD1 and others in marijuana cultivation and trafficking and has admitted their role in the abduction and murder of Fidel Moreno on June 28, 2009.

27. On the morning of June 25, 2009, CD2 was at the residence of Derrick and YADIRA SANTIESTEBAN. Derrick Santiesteban and CD1 had just left the residence and CD2 was at the home with YADIRA SANTIESTEBAN and the children of Derrick and YADIRA. They were in the midst of preparing to transport marijuana in two cars from Miami to New York where it was to be sold. YADIRA SANTIESTEBAN with Derrick and their children would travel in one car with

the marijuana hidden inside while CD1 and CD2 were going to follow in a second vehicle.

28. Derrick and CD2 left the residence to retrieve a duffel bag to be used to carry marijuana on the trip and they only expected to be gone for a very brief period of time. Shortly after Derrick Santiesteban and CD1 left the residence, several men in two cars came to the residence of Derrick Santiesteban. The two cars had flashing police type lights and when the men got out of the cars CD2 saw that they were armed and had police type badges around their necks.

29. The armed men confronted CD2 who was sitting in a rental car in the driveway with the children of Derrick and YADIRA. One armed man pointed a gun at CD2, told CD2 to shut-up and took a cell phone away from CD2 that actually belonged to YADIRA SANTIESTEBAN. The men ultimately entered the home and stole a quantity of marijuana that was being prepared to be transported to New York that morning. After the men took the marijuana, they left the residence.

30. After the robbers left, YADIRA SANTIESTEBAN contacted Derrick Santiesteban by using a neighbors telephone and then Derrick and CD1 returned to the residence. Derrick Santiesteban had several security video cameras at his residence and at some point following the robbery CD2, CD1, Derrick Santiesteban, YADIRA SANTIESTEBAN and others viewed a security video camera recording that recorded the home invasion robbery.

31. Derrick Santiesteban recognized one of the robbers as a man who had frequented a store that Derrick Santiesteban operated in southwest Miami-Dade County. The store that Derrick Santiesteban owned was in the business of selling implements for use in hydroponic agriculture, to include indoor hydroponic marijuana cultivation. Either the day of the robbery or the day after, Derrick Santiesteban announced that he needed to find the person he recognized as one of the robbers. CD2 stated that Derrick Santiesteban knew a lot of people and began making telephone

calls and showed the video recording to numerous people and at some point Derrick Santiesteban learned the man's name and where this person lived.

32. At the direction of Derrick Santiesteban CD2 assisted in conducting a surveillance of the robber.³ During the morning hours, before CD2 went out on a surveillance of the victim, CD2 watched (babysat) the children of Derrick and YADIRA SANTIESTEBAN while YADIRA SANTIESTEBAN participated in the surveillance of the victim and his residence. Later in the day, CD2 and YADIRA SANTIESTEBAN exchanged roles with CD2 participating in the surveillance while YADIRA SANTIESTEBAN watched the children.

33. CD2 understood the plan from Derrick Santiesteban to be that they were going to get the person who stole the marijuana and get them to say where the marijuana was so they could get it back. CD2 drove a Green Mini-Cooper on the surveillance and was joined by CD1 when they went to the victim's residence on surveillance two to three times that day (June 28, 2009). CD2 saw the victim at the residence during one of the surveillance sessions.

34. At some point the group left the surveillance and met at a nearby Blockbuster Video Store. At the Blockbuster store, they had a meeting to discuss how they were going to abduct the victim or if they were going to continue to watch him. When they arrived at the Blockbuster store, CD2 observed several co-conspirators that included a man CD2 that she came to know "Noje" (Norge Manduley).

35. After the meeting, CD2 learned that someone in the group had given a black pistol to CD1. When they left the Blockbuster store there were three vehicles. CD2 and CD1 were in the same vehicle, a green Mini-Cooper. One co-conspirator identified as CH was driving a pick-up truck

³ Affiant's Note: One of the robbers was Fidel Ruz Moreno, the homicide victim in this case.

and was accompanied by Gilberto Santiesteban Jr. who is a brother to Derrick Santiesteban. In a third vehicle, a Mercedes Benz, there were three people. There was Derrick Santiesteban who was driving accompanied by Noje” (Norge Manduley) and Juan Felipe Castaneda who is a relative to Derrick and Gilberto Santiesteban Jr.

36. The group returned to the victim’s residence and thereafter the victim was observed leaving his residence operating a white Chevrolet van. When the van driven by the victim left his resident it was followed to another nearby residence where the victim parked and went inside.

37. A short time later the victim left the residence. CD1 and CD2 communicated the fact he was leaving to Derrick Santiesteban by cellular telephone. CD1 and CD2 were parked across the street from the residence and watched the victim pull away. From their vantage point CD1 and CD2 saw that when the victim operating the cargo van reached a stop sign, he was blocked in from the front by the Mercedes that was occupied by Derrick Santiesteban, Norge Manduley and Juan Felipe Castaneda. The van was blocked in from the rear by the pick-up truck containing CH and Gilberto Santiesteban Jr.

38. CD2 saw Derrick Santiesteban get out of the Mercedes, approach the driver’s side of the van and pull the victim from the van. CD2 saw Juan Felipe Castaneda and Norge Manduley exit the Mercedes and join Derrick Santiesteban in the confrontation with the victim. CD2 also saw Norge Manduley smash the passenger side window on the van when the initial confrontation was occurring. Derrick Santiesteban and Juan Felipe Castaneda took the victim from the driver’s seat to the back of the van. The victim was then forcibly put into the back of the van and CD2 saw that Norge Manduley was armed with a shiny chrome “cowboy” type gun and he got into the back of the van with the victim. CD2 then saw co-conspirator Juan Felipe Castaneda get behind the driver’s seat

of the victim's van and drive the van away from the abduction scene. CD2 understood that the plan was to drive the victim back to a marijuana grow residence known as the "farm" where they were going to talk to the victim to get him to reveal where the stolen marijuana was located so it could be retrieved.

39. CD2 stated that after they left the abduction scene there was a caravan. Derrick left alone in his vehicle to go to the marijuana grow location where they were going to take the victim. The victim's van was followed by the pick-up truck that was driven by CH who was accompanied by Gilberto Santiesteban Jr. CD2 was operating a Mini-Cooper and was accompanied by CD1, and they followed the pick-up truck. In the vicinity of Eureka and 137th Avenue, CD2 heard a gunshot emanating from the van. In total, CD2 believes she heard approximately five gunshots emanating from the van during the incident.

40. The caravan turned onto Quail Roost and at this point the van was still being followed by the pick-up truck with CD2 with CD1 in the Mini-Cooper following the pick-up truck. On Quail Roost, CD2 noticed that the rear door of the van was opened and CD2 observed the pick-up truck to abruptly swerve to the left. CD2 swerved to the left as well and then CD2 saw that the victim had come out of the back of the van and was lying on the roadway. CD2 didn't stop and while CD2 continued driving, CD2 looked in the rearview mirror and saw Norge Manduley outside of the van moving his hand up and down while standing over the victim. CD2 believes that Norge Manduley was hitting the victim with the gun or his fists. CD2 saw something shiny in the mirror and assumes that Manduley was beating the victim with the gun.⁴

41. After witnessing the above events, CD2 and CD1 were shaken and continued driving

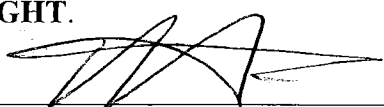
⁴Fidel Moreno suffered a fractured skull and road rash abrasions in this incident in addition to the fatal gunshot wounds.

and at some point they drove to the residence of Derrick Santiesteban. Thereafter, there were a series of meetings at local restaurants and a supermarket. Subsequently, CD2 and CD1 in one vehicle and Derrick Santiesteban, YADIRA SANTIESTEBAN, their children and Gilberto Santiesteban Jr. and his family all went to the Florida Keys. The Santiestebans' stayed with the mother to the Santiesteban brothers while CD1 and CD2 stayed at a separate location with other family members.

42. At all times before, during and after the surveillance, carjacking, kidnapping and murder of Fidel Ruz Moreno, YADIRA SANTIESTEBAN aided and abetted her husband and co-conspirators in the commission and concealment of these offenses.

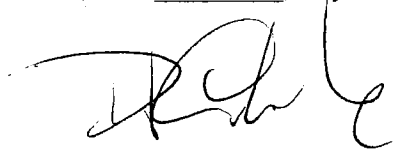
WHEREFORE, your Affiant believes that probable cause exists to believe that: YADIRA SANTIESTEBAN committed the offenses of kidnapping resulting in a death on June 28, 2009, in violation of Title 18, United States Code, Section 1203(a)(1)(5) and aiding and abetting in violation of Title 18, United States Code, Section 2.

FURTHER SAYETH YOUR AFFIANT NAUGHT.



MICHAEL GUALTIERI
Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence, this 15th day of June 2012, at Miami, Florida.



PATRICK A. WHITE
United States Magistrate Judge
Southern District of Florida